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Pat 1636

PATENT
ATTORNEY DOCKET NO. 00786/345001

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I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231.

Susan M. Barry

Printed name of person mailing correspondence

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Brian Seed et al.

Art Unit: 1636

Serial No.: 08/717,294

Examiner: Shuman, J.

Filed: September 20, 1996

Title: HIGH LEVEL EXPRESSION OF PROTEINS

Assistant Commissioner of Patents
Washington, D.C. 20231

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TERMINAL DISCLAIMER UNDER 37 CFR §1.321 and 37 CFR §3.73(b)

Pursuant to 37 CFR §1.321(b) The General Hospital Corporation, the assignee of the entire right, title, and interest in the above application seeks to disclaim the terminal portion of the term of the patent to be granted on the application. This terminal disclaimer is binding on the grantee and its successors or assigns.

Pursuant to 37 CFR §1.321(b)(1), this terminal disclaimer is signed by an attorney of record.

Pursuant to 37 CFR §1.321(b)(2), The General Hospital Corporation hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above identified application subsequent to the expiration date of U.S. Patent No. 5,786,464. The General Hospital Corporation does not disclaim any terminal part of any

patent granted on the above identified application prior to the expiration date of the full statutory term of U.S. Patent No. 5,786,464 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above.

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Pursuant to 37 CFR §1.321(b)(3) and 37 CFR §3.73(b), the undersigned attorney/agent of record certifies that The General Hospital Corporation, is the assignee of the entire right, title, and interest in the above application by virtue of an assignment from the inventors of the patent application identified above. The assignment by one of the inventors, Dr. Jurgen Haas, was recorded in the Patent and Trademark Office at Reel/Frame 010126/0059 on July 26, 1999. A copy of the assignment by the other inventor, Dr. Brian Seed, is attached hereto.

The undersigned attorney/agent of record has reviewed all the documents in the chain of title of the above identified application and to the best of the undersigned's knowledge and belief, title is in The General Hospital Corporation.

Pursuant to 37 CFR §1.321(b)(4), enclosed is a check for \$110.00 for the fee set forth in 37 CFR §1.20(d).

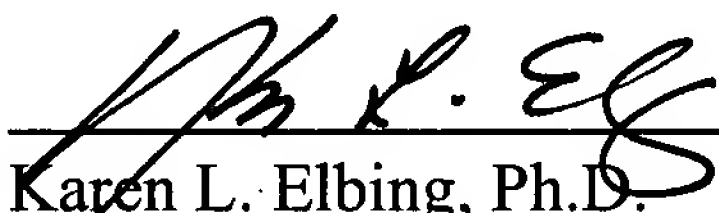
Further, pursuant to 37 CFR §1.321(c)(3), this terminal disclaimer is filed to obviate a double patenting rejection in the above patent application. Any patent granted on the above application or any resulting patent subject to reexamination proceedings

shall be enforceable only for and during such period that said patent is commonly owned with the application or patent which formed the basis for the rejection.

If there are any additional charges, or any credits, please apply them to Deposit Account Number 03-2095.

Respectfully submitted,

Date: 11 January 2000



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